

# Rio Algom Mining LLC

PN 8.27.05  
Wilson 9.15.05

September 13, 2005

Certified Mail  
Return Receipt (7004 1350 0000 8065 7778)

Ms. Diane Smith  
Customer Service Branch (6WQ-CA)  
US EPA  
1445 Ross Avenue  
Dallas, TX 75202-2733

Re: **NPDES Permit NM0020532**  
**Comments on Draft Permit**

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2005 SEP 15 PM 2:28  
6WQ-C  
CUSTOMER SERVICE BRANCH

Dear Ms. Smith,

Rio Algom Mining LLC hereby submits the attached comments in response to EPA's public notice request dated August 27, 2005. This notice included a request for comments on Rio Algom's draft permit NM0020532.

Please contact me if you have any questions or are in need of additional information related to this modification request.

Regards,



Peter Luthiger  
Corporate Manager, Radiation  
Safety and Environmental Affairs

Attachment: As stated

xc: T. Fletcher  
File

**Rio Algom Mining LLC**  
**Comments on Draft NPDES Permit NM0020532**

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Rio Algom Mining LLC's New Mexico operations consist of performing site reclamation activities at its closed uranium ore processing facility in Ambrosia Lake New Mexico. Rio Algom anticipates completion of these activities in approximately 2-3 years.

Rio Algom Mining LLC provides the following comments on the draft NPDES permit prepared by EPA as published in the August 27, 2005 public notice and requests EPA consider them as part of finalizing the permit.

**Test Methods**

Part II.B of the previous permit issued by EPA for the subject facility described "Test Procedures" to be used for analysis. Within Rio Algom renewal application as an attachment to Form 2C, Rio Algom requested to eliminate the previous test method and incorporate the test methods listed in 40 CFR 136 or an equivalent method.

Upon review of the draft permit, it appears that Rio Algom's request has been incorporated into the proposed permit as the only reference to test methods within the draft permit is listed in Part III.C.5, Monitoring Procedures.

Rio Algom requests confirmation that the test methods to be used for analysis under the permit are those described in 40 CFR 136.

**Schedule of Compliance**

The draft permit contains a schedule of compliance for vanadium. Rio Algom believes that a compliance schedule is unnecessary in light of the fact that the discharge point where vanadium will be measured against the standard has been a "Zero Discharge" point since 1993. Rio Algom intends to continue this condition through the new permit term of not discharging mine drainage or surface and groundwater reclamation waste water.

The only discharge that has occurred at this outfall was attributable to a stormwater discharge following a localized storm event that occurred 8 years ago in 1997.

It seems appropriate from a technological and, more importantly, from an economical standpoint to evaluate the need for establishing a compliance schedule against the likelihood for any discharge to occur at the outfall.

Additionally, the component of the authorized discharge that is most appropriate for determining compliance to the 40 CFR 440, Subpart C effluent limitations including vanadium, is the mine drainage or surface and groundwater reclamation waste water. As described above, Rio Algom intends to complete all remaining work at the site within the next 2-3 years.

More importantly, Rio Algom anticipates on discontinuing the activities that generate the mine drainage or surface and groundwater reclamation waste water in late 2005, thereby limiting any potential discharge at Outfall 001 solely to stormwater sources.

Based on these reasons, Rio Algom requests that the Part I.B, Schedule of Compliance, be deleted and not included in the final permit.

### **Reporting of Monitoring Results**

Part I.C, Reporting of Monitoring Results, describes a quarterly reporting schedule for reporting data collected under Part I.A of the permit (i.e., weekly sampling at Outfall 001, monthly sampling at Outfall 001A). Presently, Rio Algom is reporting on a monthly frequency and reporting the previous month's data by the 15<sup>th</sup> of the following month.

The proposed quarterly reporting frequency is a welcome change.

However, the schedule listed in Part I.C.2 does not appear to coincide with the quarterly frequency. Part I.C.1 states the reporting period ends at the end of the month, but Part I.C.2 requires that the report must be submitted by the 28<sup>th</sup> day of the month on the last month of each calendar quarter.

Another factor making the reporting schedule un-workable is the fact that radiological parameters, especially radium-226, require extended analysis times due to radiological in-growth that is necessary to obtain reliable results. Turnaround times for radium-226 analyses typically require at least 30 days.

To illustrate this problem, using the draft permit sampling and reporting schedule for Outfall 001, which requires weekly sampling when there is a discharge, analytical results for a sample collected in the last week in March would not be available until the end of April. However, reporting data for the 1<sup>st</sup> quarter is due by March 28<sup>th</sup>.

Rio Algom requests that the quarterly reporting frequency be maintained, but the reporting schedule be revised to allow the reports be submitted by the 28<sup>th</sup> of the month following the end of the calendar quarter.

Rio Algom suggests modifying the proposed language in Part I.C by deleting the words "March, June, September, and December." and replace then with "April, July, October, and January." Rio Algom also recommends adding language to clarify that the reports are due quarterly. The following replacement for Part I.C.2 is offered:

*"The permittee is required to submit Discharge Monitoring Report forms as described in C above on a quarterly basis postmarked no later than the 28<sup>th</sup> day of the month following the end of the calendar quarter (April, July, October, and January)."*

### **Typographical Error**

On the front page of the permit (sign-off page), the permittee name needs to be revised and replace the "LLL" with "LLC" so that the permittee name is "Rio Algom Mining LLC."

Rio Algom appreciates work performed by Mr. J. Scott Wilson in this permit renewal as well as the opportunity to provide these comments for consideration by EPA. Please contact me at 505-287-8851, extension 205 if additional clarification is necessary on any of the comments provided.